

*These notes refer to the Mental Capacity Act (Northern Ireland)
2016 (c.18) which received Royal Assent on 9 May 2016*

Mental Capacity Act (Northern Ireland) 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 – High Court Powers: Decisions and Deputies

Section 116 – Appointment of deputies

This section provides that a deputy who has been appointed by the court must be aged 18 or over and in relation to property and affairs can either be such a person, or a trust corporation. A person cannot be appointed as a deputy without his or her consent.

The section also provides that the court may appoint two or more deputies to act jointly; jointly and severally; or jointly in some matters and severally in others. When appointing deputies, the court may also appoint one or more other persons to replace them in specified circumstances or for a certain period of time.

A deputy is to be treated as P's agent and he or she is entitled to be reimbursed from P's property for reasonable expenses incurred in discharging his or her functions and if the court directs, to remuneration for discharging those functions.

The section provides that the court may confer powers on the deputy to take possession and control of all or part of P's property and exercise all or specified powers in relation to it, including powers of investment as determined by the court. The court may require a deputy to give the Public Guardian such security as the court considers is appropriate for the proper performance of his or her functions and to submit reports to the Public Guardian.